

**Amendments to the Drawings**

In response to the Examiner's objection to the drawings, a complete set of replacement drawings are being filed herewith. No new matter has been added.

Attachment: Replacement Sheets

**REMARKS****Objections to the Drawings**

In the Office Actions, the Examiner has objected to the drawings as not being of sufficient quality to permit examination. The Applicants submit herewith a complete set of replacement drawings which the Applicants believe overcome this objection. The Applicants respectfully request that the Examiner accept the set of replacement drawings.

**§ 103 Rejections**

In the Office Actions, claims 1-13, 20-32 and 39-44 were rejected under were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 6,637,029 to Maissel et al., hereinafter “Maissel,” in view of PCT Publication WO 01/22731A1 filed by Barrett et al., hereinafter “Barrett”; and claims 14-18 and 33-37 were rejected under 35 U.S.C. § 103 as being unpatentable over Maissel in view of Barrett and in further view of U.S. Patent 6,718,855 to Swix et al., hereinafter “Swix.”

**Differences Between the Cited Art and the Claimed Invention**

The MPEP at § 2143 states that:

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.”

The Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to showing that some combination of Maissel, Barrett and Swix teach or suggest the Applicants’ claimed ***life-cycle manager server forwarding the viewership profile to the promotion agent, the viewership profile including long-term viewership activity data of the network device*** which is clearly present in the above-rejected claims.

The Examiner notes in the Office Actions that Maissel does not teach this claimed aspect of the present invention. Moreover, the Examiner has made no showing that Swix teaches or

suggests this claimed aspect. Regarding Barrett, the Examiner claims that Barrett teaches this claimed aspect of the present invention at page 5, lines 1-3. The Applicants respectfully disagree.

Barrett discloses a Television Commercial Selection and Adaptation System that employs a technique for guessing the identity of a viewer at a Remote Viewer Module and then targets an advertisement to the guessed viewer. See Barrett, page 3, claim 8. Specifically, the technique analyzes actions of a viewer at the Remote Viewer Module and viewer profiles associated with the Remote Viewer Module, and from this analysis guess the identity of the viewer. A viewer profile associated with the guessed identity is then used for the purpose of selecting and adapting a television commercial that is communicated to the Remote Viewer Module. See Barrett, page 4 and 5, claim 8 element "h".

In the section cited by the Examiner, nowhere does Barrett teach or suggest that viewer profile information is downloaded to the Remote Viewer Module. Rather, Barrett seems to suggest that the viewer profile information is maintained and analyzed by the Television Commercial Selection and Adaptation System which is not part of the Remote Viewer Module. The Television Selection and Adaptation System selects a commercial based on its guess as to identity of the viewer and communicates the commercial to the Remote Viewer Module. Thus, there would be no reason for Barrett to transfer the viewer profile information to the Remote Viewer Module because the analysis used to identify an individual occurs at the Television Commercial Selection and Adaptation System and not the Remote Viewer Module.

The Applicants, on the other hand, clearly claim forwarding viewership profile information from a life cycle manager to a network device which collects viewership activity data of the network device. Forwarding the viewership information to the network device enables the determination of the type of individual interacting with the network device to be determined at the network device. As noted above, Barrett's Remote Viewer Module does not perform this function and, thus, sending profile information to the Remove Viewer Module would not make sense in Barrett.

For reasons set forth above, the Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to the Applicants' claimed *life-cycle manager server forwarding the viewership profile to the promotion agent, the viewership*

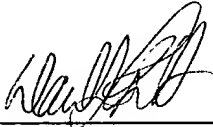
*profile including long-term viewership activity data of the network device.* Therefore, the Applicants respectfully request that the above rejection of claims 1-18, 20-37 and 39-44 be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
\_\_\_\_\_  
David J. Thibodeau, Jr.  
Registration No. 31,671  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 4/19/06